

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

Report Release Date: October 14, 2010

**Review of the Death of Linda Renee Tucker
of Payne, and Garfield Counties of Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the Department of Human Services; Actions Taken by the District Attorney; and Dates and Summary of Judicial Proceedings and Rulings of the Court

General Information

On June 30, 2010, the Office of Juvenile System Oversight (OJSO) received a request for a public report pursuant to Title 10A Section 1-6-105 in regard to the death of Linda Tucker, a fifteen year old child who died on June 26, 2010. Linda's mother Doris Rigsby and Ms. Rigsby's boyfriend, Jeffrey Phillips were charged with First Degree Murder on September 21, 2010.

Authorization

Title 10A, Section 1-6-105, B, D and E, of the Oklahoma Statutes, states:

B. When a person responsible for a child has been charged by information or indictment with committing a crime resulting in the death or near death of the child, there shall be a presumption that the best interest of the public is served by public disclosure of certain information concerning:

1. The circumstances of the investigation of the death or near death of the child; and
2. Any other investigations concerning that child, or other children while living in the same household, within:
 - a. three (3) years of the death or near-death, and
 - b. one (1) year after the death or near-death.

D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request, release certain information to the public within sixty (60) days of the request as follows:

- a. a confirmation shall be provided by the Commission as to whether a report of

suspected child abuse or neglect has been made concerning the alleged victim or other children while living in the same household and whether an investigation has begun,

b. confirmation shall be provided by the Commission as to whether previous reports of suspected child abuse or neglect have been made and the dates thereof, a summary of those previous reports, the dates and outcome of any investigations or actions taken by the Department [OKDHS] and the Commission in response to any previous report of child abuse or neglect, and the specific recommendation made to the district attorney and any subsequent action taken by the district attorney,

c. the dates of any judicial proceedings prior to the death or near death of the child,

d. recommendations submitted by the Department [OKDHS] and the Commission shall be provided in writing including recommendations made at the hearing as they relate to custody or placement of a child, and

e. the rulings of the court.

2. Specific recommendations made by the Commission described in any progress reports of a pending case submitted to the court may be disclosed by the Commission.

E. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child, or any other member of the household, other than the person criminally charged.

Identifiers:

Child's name:	Linda Renee Tucker
Date of Birth:	November 2, 1994
Alleged Perpetrators:	Doris Sharrane Rigsby Jeffrey Alan Phillips
Sibling 1	Eight-years-old
Sibling 2	Eight-years-old
Sibling 3	Eleven-years-old
Sibling 4	Seventeen-years-old

The Oklahoma Commission on Children and Youth did not become aware of this case until after Linda's death.

The following was a summary of the actions taken by the Department of Human Services (OKDHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court, as authorized by 10A O.S., Section 7005-1.9, D and E (below).

The OJSO reviewed the OKDHS and deprived court actions regarding Linda and her siblings that happened prior to and immediately following her death. The OKDHS documented eleven reports regarding Linda's family within the past three years.

Case History

Report 1 (October 14, 2008)

A referral was received by the OKDHS in Payne and Garfield Counties on October 14, 2008, which alleged that Sibling 4, age fifteen, and Linda, age thirteen, were being cared for by relatives. The report stated that the biological mother of the children resided in Enid, Oklahoma and it was unknown why the mother hadn't been able to care for the children. The reporter was concerned that the children were "bouncing from place to place" in Cushing, Oklahoma. The reporter stated the children had been staying with relatives but had been kicked out of the house last week because they were out of control. Linda was enrolled in school but Sibling 4 was not enrolled. The reporter was unaware of the children's whereabouts at that time.

The Payne County OKDHS accepted the report as a Priority II investigation of abandonment with eleven days in which to make contact with the child victims. Those persons interviewed during the investigation included the biological mother, other relatives, three collaterals, Sibling 4 and Linda.

The OKDHS documented that they found "CW services are not needed at this time." Linda reported it had been two weeks since she had seen Sibling 4 and did not know the sibling's whereabouts. Linda reported that her mother would be giving a friend in Cushing a power of attorney over her so that she could stay in Cushing. Linda reported that she and her mother "have never been able to get along." The OKDHS also documented that both children admitted to smoking marijuana which was why they were asked to leave the relatives home where they had been staying.

The OKDHS documented that a relative did not know where Sibling 4 was staying. The relative reported Sibling 4 had dropped out of school and was staying with friends. The relative also reported that they talked to Sibling 4 every day and see Sibling 4 on weekends.

The OKDHS documented that the biological mother stated she had Linda and Sibling 4 at a very early age and that Sibling 4 was adopted by relatives. The mother reported that Linda was also cared for by the relatives.

The OKDHS documented that Child Welfare services were not warranted at this time as “[Sibling 4] and Linda appear to have delinquent behavior.” It was recommended that the relative report Sibling 4 as a runaway since Sibling 4 refused to live with the relative.

The OKDHS overall finding was Services Recommended.

Report 2 (November 13, 2008)

The OKDHS in Payne County received a referral on November 13, 2008, alleging that Sibling 4 was “running the streets and smoking pot.” The reporter stated it was unknown where the child was living but that the child was not being properly supervised.

The OKDHS screened-out the report as a duplicate of an open investigation dated October 14, 2008.

Report 3 (January 26, 2009)

The OKDHS received a referral in Payne County on January 26, 2009, alleging that Sibling 4 had dropped out of school and had a court date the next week. The reporter did not know what the court date was regarding. The reporter stated that Linda and Sibling 4 were staying with a family where they were not being supervised and that the children “run the streets until late hours at night.” The reporter also alleged that Linda runs away from every home where she stays when the rules get too strict. Allegedly Linda had also been in trouble at school for smoking cigarettes.

The OKDHS screened out the report and documented “Children are delinquent. Similar allegations have been recently addressed in prior investigation...” dated October 14, 2008.

Report 4 (February 20, 2009)

The OKDHS received a referral in Payne County on February 20, 2009, alleging that Linda had been staying at a relative’s home in Cushing but she did not like following the rules and left to stay with Sibling 4 in a house that was raided for drugs on February 18, 2009. The reporter stated the raid was in connection with a triple homicide that happened on February 16, 2009. The reporter stated that since the drug raid no one had heard from Linda or Sibling 4 and they were concerned that something has happened to the children.

The OKDHS screened out the report as not child abuse or neglect and documented “LE verified children were not connected to the homicide.”

Report 5 (May 4, 2009)

A referral was received by the OKDHS in Payne County on May 4, 2009, alleging that Sibling 4 was beating up on younger children and was holding them hostage at a relative’s home. It was alleged that one of the children went to a friend’s home and told

the relative that they were being beaten by Sibling 4. The relative had attempted to call the children several times and could not get an answer. The relative had allowed Sibling 4 to spend the night but had instructed Sibling 4 to leave the home early the next morning. Sibling 4 was still at the house when the relative arrived to check on the children. The relative called law enforcement due to being told Sibling 4 was beating up on the relative's children. One of the relative's children told the Law Enforcement officer that Sibling 4 was not beating up anyone but had just taken the phone from the children. The officer did find a marijuana pipe in Sibling 4's pockets. Sibling 4 was taken to the youth shelter until another relative could pick Sibling 4 up.

The OKDHS screened out the report and documented "Child was delinquent and was arrested for possession of marijuana & paraphernalia."

Report 6 (September 29, 2009)

A referral was received by the OKDHS in Garfield County on September 29, 2009, alleging that Siblings 1, 2, and 3 were "victims of parents who use drugs." The reporter stated the mother had gotten the children back after she "straightened up" but now her drug use was worse than ever. The caller had seen bruises on the children but did not know how they got them. The reporter stated that the mother does not feed the children and they were "always outside begging for food saying they are hungry." The children wear "raggedy clothes and were very filthy."

The OKDHS screened out the report finding that that these allegations clearly fell outside definitions of abuse and neglect per OKDHS policy, OAC 340:75-3-2 and OKDHS policy, OAC 340:75-3-7. (F); substance abuse by the Person Responsible for the Child (PRFC) that does not prevent the PRFC from providing minimal basic care for the child.

Report 7 (February 17, 2010)

The OKDHS received a referral in Garfield County on February 17, 2010, alleging concerns for Sibling's 1, 2, and 3 regarding disruptive living conditions. The reporter stated the family was living in a hotel, and the children have been tired and acting out.

The OKDHS screened out the report as not child abuse or neglect and documented that there was no information indicating that abuse or neglect had occurred and documented the family needed assistance from a social service agency.

Report 8 (February 24, 2010)

A referral was received by the OKDHS in Garfield County on February 24, 2010, alleging that Sibling 2 had been sent home with head lice but returned to school untreated and now Sibling 3 also had head lice. The school was unable to contact the mother so they contacted the emergency contact, a relative, who reported that the mother was back into meth and there was no running water in the home. The house was reported to be filthy and not safe for children. The report further documented that

Linda was living with a relative in another town because the “mother got her high on meth so she can no longer live with her mother.”

The OKDHS documentation indicated that Sibling 3 had a significant injury to the left eye in the summer of 2008 when the child was stabbed with a knife in the eye. The child was reported to be blind in that eye. The child was supposed to wear glasses but did not. The child reported the glasses were broken.

The OKDHS accepted the report as a Priority II assessment with three days in which to make contact with the children. Contact with the children was documented as March 10, 2010. Those persons contacted according to OKDHS documentation included, the biological parents, Siblings 1, 2, and 3, and three collaterals.

The OKDHS documented in the Comments/Summary section of the Child Safety Assessment that the mother was in the process of relocating with the family and the children were staying with a temporary caregiver while the move was taking place. The OKDHS documented that the mother and all children denied there was any drug use by the mother. The OKDHS documented “No further action requested from DHS at this time.”

Report 9 (March 1, 2010)

A referral was received by the OKDHS in Garfield County on March 1, 2010, alleging that the mother was using crack, and the electricity and water had been turned off in the home.

Allegedly the mother had been trying to get money out of the relatives to pay her utilities. One of the children told a relative that the family was “bundling up in blankets” to stay warm.

The OKDHS screened out the report and documented duplication of previous allegations.

Report 10 (March 10, 2010)

The OKDHS received a referral in Garfield County on March 10, 2010, alleging that Linda’s mother was involved in methamphetamine again and that the children were staying with relatives as there were no utilities in the family’s home. The reporter was concerned about the children having bruises. The children reported that they sometime sleep in the car with their mother. The children reported that they stay with relatives if they don’t sleep in the car with mom.

The OKDHS screened out the report as a duplicate and documented to associate this referral with the open referral from February 24, 2010.

Report 11 (June 26, 2010)

A referral was received by the OKDHS in Garfield County on June 26, 2010, alleging that Linda Tucker died at a convenience store when her mother belatedly attempted to obtain medical assistance for the child's overdose on methamphetamine. The child had been discovered by the mother to be overdosed earlier in the day but the mother's response was documented to have been to tell the child's older sibling to keep an eye on her and let her sleep it off. The OKDHS documented that later the mother found the child unresponsive and faintly breathing with only a faint pulse.

At that time the mother and her boyfriend placed the child in their vehicle and attempted to take her to the Stillwater Medical Center. When the child appeared to be worsening, the mother contacted 911 who instructed the mother to stop at the nearest convenience store in order for the EMS to locate the child. While waiting on EMS to arrive Linda Tucker died.

The OKDHS report further documented that Linda Tucker's older sibling brought the methamphetamine to the family reunion and the mother's boyfriend prepared the chemical for injection for the teenagers. It was further documented that Linda was injected into the carotid artery shortly before her death.

The OKDHS accepted the report as a Priority I investigation. Those persons interviewed during that investigation included: the biological parents, other relatives, eight collaterals, and four siblings.

The OKDHS documented the report was substantiated and requested Court Intervention. The petition was filed as shocking and heinous. The OKDHS placed the three younger siblings in OKDHS custody.

Medical Examiners Report (August 3, 2010)

The Office of the Medical Examiner report documented that the probable cause of Linda's death was acute methamphetamine intoxication. It was also documented that the manner of death was homicide.

First Degree Murder Charges Filed (September 21, 2010)

Doris S. Rigsby and Jeffrey Phillips were both arrested and charged with First Degree Murder in Payne County District Court.